

NATIONAL DRIVER REGISTER

**TITLE 49, UNITED STATES CODE,
CHAPTER 303**

**ADMINISTERED BY THE
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of the Chief Counsel**

October 1, 1999

TITLE 49, UNITED STATES CODE

SUBTITLE VI. MOTOR VEHICLE AND DRIVER PROGRAMS

PART A. GENERAL

CHAPTER 303. NATIONAL DRIVER REGISTER

Sec.

30301. Definitions.

30302. National Driver Register.

30303. State participation.

30304. Reports by chief driver licensing officials.

30305. Access to register information.

30306. National Driver Register Advisory Committee.

30307. Criminal penalties.

30308. Authorization of appropriations.

§ 30301. Definitions

In this chapter [49 USCS §§ 30301]--

(1) "alcohol" has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) "chief driver licensing official" means the official in a State who is authorized to--

(A) maintain a record about a motor vehicle operator's license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator's license issued by the State.

(3) "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) "motor vehicle operator's license" means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) "participating State" means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) "State of record" means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

§ 30302. National Driver Register

(a) Establishment and contents. The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)--

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) Accuracy of information. The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay.

(c) Transition from prior register.

(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526) [note to this section], as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730) [note to this section], to the Register maintained under this chapter [49 USCS §§ 30301 et seq.].

(2) (A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526) [note to this section], as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of--

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44 [44 USCS §§ 3301 et seq.].

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) Assignment of personnel. In carrying out this chapter [49 USCS §§ 30301 et seq.], the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

(e) Transfer of selected functions to non-Federal management.

(1) Agreement. The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter [49 USCS §§ 30301 et seq.] and the regulations issued to implement this chapter [49 USCS §§ 30301 et seq.].

(2) Required demonstration. Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's "Problem Driver Pointer System" (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

(3) Transition period. Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

(4) Fees. The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

(5) Limitation on statutory construction. Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter [49 USCS §§ 30301 et seq.].

§ 30303. State participation

(a) Notification. A State may become a participating State under this chapter [49 USCS §§ 30301 et seq.] by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

(b) Withdrawal. A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

(c) Form and way of notification. Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

§ 30304. Reports by chief driver licensing officials

(a) Individuals covered. As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual--

- (1) who is denied a motor vehicle operator's license by that State for cause;
- (2) whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause; or
- (3) who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:
 - (A) operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.
 - (B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.
 - (C) failing to give aid or provide identification when involved in an accident resulting in death or personal injury.
 - (D) perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

(b) Contents.

(1) Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain--

- (A) the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;
- (B) the name of the State providing the information; and
- (C) the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

(2) A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

(c) Time for filing. If a report under subsection (a) of this section is about an event that occurs--

- (1) during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or
- (2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) Events occurring before participation. This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

§ 30305. Access to Register information

(a) Referrals of information requests.

(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) Requests to obtain information.

(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than

3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46 [46 USCS §§ 7701 et seq.]. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

(9) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(10) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section--

- (A) to learn whether information about the individual is being provided;
- (B) to verify the accuracy of the information; or
- (C) to obtain a certified copy of the information.

(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

(c) Relationship to other laws. A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that--

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) Availability of information provided under prior law. Information provided by a State under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526) [49 USCS § 30302 note], as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and under this chapter [49 USCS §§ 30301 et seq.], shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter [49 USCS §§ 30301 et seq.].

§ 30306. National Driver Register Advisory Committee

(a) Organization. There is a National Driver Register Advisory Committee.

(b) Duties. The Committee shall advise the Secretary of Transportation on--

- (1) the efficiency of the maintenance and operation of the National Driver Register; and
- (2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) Composition and appointment. The Committee is composed of 15 members appointed by the Secretary as follows:

- (1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.
- (2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.
- (3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) Terms.

- (1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.
- (2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) Pay and expenses. Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) Meetings, Chairman, Vice Chairman, and quorum.

- (1) The Committee shall meet at least once a year.
- (2) The Committee shall elect a Chairman and a Vice Chairman from among its members.
- (3) Eight members are a quorum.
- (4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) Personnel and services. The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) Reports. At least once a year, the Committee shall submit to the Secretary a report on the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) Relationship to other laws. The Committee is exempt from sections 10(e) and (f) and 14 of the

Federal Advisory Committee Act (5 App. U.S.C.) [5 *USCS Appx.* §§ 10(e), (f) and 14].

§ 30307. Criminal penalties

(a) General penalty. A person (except an individual described in section 30305(b)(6) of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if--

- (1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;
- (2) disclosure of the information is not authorized by section 30305 of this title; and
- (3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) Information penalty. A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

§ 30308. Authorization of appropriations

(a) General. The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 \$4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994, \$2,550,000 for each of fiscal years 1995, 1996, and 1997, and \$1,855,000 for the period of October 1, 1997, through March 31, 1998, to carry out this chapter [49 *USCS* §§ 30301 et seq.].

(b) Availability of amounts. Amounts authorized under this section remain available until expended.

UNCODIFIED PROVISION
TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
June 9, 1998, P.L. 105-178; Title II, § 2009(a)(6), 112 Stat. 338

“SEC. 2009. Authorizations of Appropriations.

“(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

.....

“(6) National Driver Register.—For carrying out chapter 303 of title 49, United States Code, by the Nation

al
Highwa
y
Traffic
Safety
Admini
stration
,
\$2,000,
000 for
each of
fiscal
years
1998
through
2003.”.

UNCODIFIED PROVISION: 49 USC 30301 note.
TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
June 9, 1998, P.L. 105-178; Title II, § 2006(c), 112 Stat. 336

“(c) Evaluation and Assessment of Alternatives.--

“(1) Evaluation.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United states Code, and the programs under sections 31106 and 30309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

“(2) Technology Assessment.—The Secretary, in conjunction with the American Association of Motor vehicle Administrators, shall conduct an

assessment of available electronic driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

“(3) Report to Congress.—Not later than 2 years after the date of enactment of this Act, the secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

“(4) Authorization of Appropriations.—There is authorized to be appropriated to carry out paragraph (2) \$250,000 in the aggregate for fiscal years beginning after September 30, 1998.”.
